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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,986	12/11/2003	Rooma Mehta	6579-0048-1	2074

7590 12/21/2005

RICHARD R. MICHAUD
THE MICHAUD-DUFFY GROUP, LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN, CT 06457

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,986

Applicant(s)

MEHTA, ROOMA

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “incorporating a preventive is accomplished by depositing the preventive onto the shaving composite” is unclear. Claim 6, from which claim 8 depends, discloses “incorporating into said shaving composite a preventive”. “Onto” refers to an item being on top of another item while “into” refers to an item inside another item. It is unclear how the incorporation of the preventive is accomplished by depositing the preventive onto the composite when independent claim 6 discloses that placing the preventive into the composite incorporates the preventive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. (5,692,302)

Claims 1-5:

In regards to claim 1, Martin et al. discloses the same invention including a shaving head (10) including a cap portion (22), at least one blade coupled to the shaving head (18) and defining a cutting edge extending longitudinally of and approximately parallel to the cap portion (16), a shaving composite coupled to the cap portion and defining a skin engaging surface (24, abstract lines 1-2, and column 50 lines 12-15, the wound healing composition portion of strip 24 is considered the shaving composite), the shaving composite being disposed in a carrier layer of a comfort strip attached to the shaving head (Strip 24 performs a wound healing function and also acts as a shaving aid. These functions would provide comfort to a user, thereby, making 24 a comfort strip. Since the strip features a combination of items A-G, Column 50 lines 20-45, along with a wound healing composition delivery system (Column 50 lines 54-56), the strip 24 must incorporate a layer of the wound healing composition. The layer of wound healing composition is carried by the strip and, therefore, considered a carrier layer of the strip), the shaving composite includes a preventive (Abstract lines 1-2), and a portion of the preventive is capable of being transferable to a user's skin upon contact (24).

In regards to claim 2, Martin et al. discloses the cutting edge and surface are aligned (Fig. 11).

In regards to claim 3, Martin et al. discloses the preventive is contained in a water-soluble phase (Column 50 lines 54-56).

In regards to claims 4 and 5, Martin et al. discloses the preventive is a photoprotective agent (Column 4, lines 36-50).

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Claims 6-10:

In regards to claim 6, Martin et al. discloses the same invention including a preventative (Abstract lines 1-2) on a shaving implement (10) having a shaving composite (24), incorporating into the shaving composite a preventative (the preventive wound healing composition portion of strip 24. Since strip 24 is made up of numerous items, a portion or layer of the strip is wound healing composition delivery system) that leaches with a water soluble phase (Column 50 lines 54-56), and disposing the preventative into a carrier layer of a comfort strip (Strip 24 performs a wound healing function and also acts as a shaving aid. These functions would provide comfort to a user, thereby, making 24 a comfort strip. Since the strip features a combination of items A-G, Column 50 lines 20-45, along with a wound healing composition delivery system (Column 50 lines 54-56), the strip 24 must incorporate a layer of the wound healing composition. The layer of wound healing composition is carried by the strip and, therefore, considered a carrier layer of the strip).

In regards to claim 7, Martin et al. discloses the preventive is a photoprotective agent (Column 4, lines 36-50).

In regards to claim 8, Martin et al., discloses the capability of depositing the preventative onto the shaving composite (The preventative is the wound healing delivery system portion of the strip. Strip 24 features numerous other components and the preventative portion is on the other components (A-G column 50 lines 20-45) to form strip 24. Also, column 50 lines 46-51 discloses the position of the wound healing

composition capable being in different locations to be determined by the requirements of use).

In regards to claim 9, Martin et al. discloses positioning a preventative within the shaving composite (The preventative is the wound healing delivery system portion of the strip. Strip 24 features numerous other components and the preventative portion is capable of being within the mixture of other components (A-G column 50 lines 20-45) to form strip 24. Also, column 50 lines 46-51 discloses the position of the wound healing composition capable being in different locations to be determined by the requirements of use).

In regards to claim 10, Martin et al. discloses a shaving head (10) including a cap portion (22), at least one blade coupled to the shaving head (18) and defining a cutting edge extending longitudinally of and approximately parallel to the cap portion (16), and the shaving composite coupled to the cap portion and defining a skin engaging surface (24, abstract lines 1-2, and column 50 lines 12-15, the wound healing composition portion of strip 24 is considered the shaving composite).

Response to Arguments

5. Applicant's arguments filed 01 September 2005 have been fully considered but they are not persuasive. Martin et al. clearly discloses a preventative, wound healing composition, is disposed in a carrier layer of a comfort strip. The wound healing composition is a portion of strip 24 that incorporates numerous other shaving aids. The structure of carrier layer is not disclosed and therefore, any layer that is being carried by the strip is considered a carrier layer. In this case the strip features a wound healing

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composition makes up a portion or layer of the strip. This layer is carried by the strip and is, therefore, considered a carrier layer.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burns, Booth, Michel, and Etheredge, III.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 13, 2005



Patent Examiner

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Jason Prone

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T.C. 3700